Rec'd PCT/PTO 25 FEB 2005

10/525986



特許協力条系

PCT

国際予備審查報告

(法第12条、法施行規則第56条) [PCT36条及びPCT規則70]

	J	26	27	2) (A
REC'D	13	MAY	2004	
WIPO)	F	CT	

出願人又は代理人 の書類記号 R-25	今後の手続きについては、	国際予備審査報告の送付通知 (様式 IPEA/416) を参照すること	tρcτ/ ≤.
国際出願番号 PCT/JP03/11004	国際出願日 (日.月.年) 29.08.	優先日 (日.月.年) 29	. 08. 02
		45/06, 31/437, 31/ 31/553, A61P27/06	
出願人(氏名又は名称) 参天製薬株式会	社		
		則第57条(PCT36条)の規定に	こ従い送付する。
2. この国際予備審査報告は、この表緒 この国際予備審査報告には、降 査機関に対してした訂正を含む (PCT規則70.16及びPCT この附属書類は、全部で	対風魯類、つまり補正されて 3明細魯、請求の範囲及び/	 、この報告の基礎とされた及び/7	スはこの国際予備審
3. この国際予備審査報告は、次の内容	字を含む。		
I X 国際予備審査報告の基礎			•
Ⅱ 圆 優先権			
III X 新規性、進歩性又は産業	上の利用可能性についての	国際予備審査報告の不作成	
IV 開の単一性の欠如			
V X PCT35条(2)に規定での文献及び説明 VI ある種の引用文献	^片 る新規性、進歩性又は産業	上の利用可能性についての見解、そ	れを裏付けるため
VII 国際出願の不備			
VII 国際出願に対する意見			
	•		
	·		
国際予備審査の請求書を受理した日 11.12.2003	国際予	備審査報告を作成した日 19.04.2004	
名称及びあて先 日本国特許庁(IPEA/JP)	特許庁	審査官(権限のある職員)	4C 9841

岩下直人

電話番号 03-3581-1101 内線

3402

郵便番号100-8915

東京都千代田区霞が関三丁目4番3号





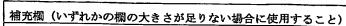
I. 国際予備審査報告の基礎						
1. この国際予備審査報告は下記の出願審類に基づいて作成された。 (法第6条(PCT14条)の規定に基づく命令に 応答するために提出された差し替え用紙は、この報告書において「出願時」とし、本報告書には添付しない。 PCT規則70.16,70.17)						
X 出願時の国際出願書類	X 出願時の国際出願書類					
	ページ、出願時に提出されたもの					
	ページ、国際予備審査の請求書と共に提出されたもの					
明細小 第	ページ、 付の書簡と共に提出されたもの					
	項、 出願時に提出されたもの					
	項、 PCT19条の規定に基づき補正されたもの					
請求の範囲 第 請求の範囲 第	_項、 国際予備審査の請求書と共に提出されたもの - 項、 付の書簡と共に提出されたもの					
明水砂地田 另	項、 付の書簡と共に提出されたもの					
第 第	ページ/図、 出願時に提出されたもの					
図面 第	ページ/図、 国際予備審査の請求書と共に提出されたもの					
図面 第						
明細書の配列表の部分 第	ページ、出願時に提出されたもの					
明細書の配列表の部分第	ページ、国際予備審査の請求審と共に提出されたもの					
明細書の配列表の部分 第	ページ、 付の書簡と共に提出されたもの					
2. 上記の出願書類の官語は、下記に示す場合を	除くほか、この国際出願の官語である。					
上記の書類は、下記の言語である	語である。					
■ 国際調査のために提出されたPCT規則	№23.1(b)にいう翻訳文の言語					
■ PCT規則48.3(b)にいう国際公開の書	語					
国際予備審査のために提出されたPCコ	Γ規則55.2または55.3にいう翻訳文の言語					
3. この国際出願は、ヌクレオチド又はアミノ酸	配列を含んでおり、次の配列表に基づき国際予備審査報告を行った。					
この国際出願に含まれる書面による配列	列表					
この国際出願と共に提出された磁気ディ	ィスクによる配列表					
出願後に、この国際予備審査(または関	関査)機関に提出された魯面による配列表					
出願後に、この国際予備審査(または記	出願後に、この国際予備審査(または調査)機関に提出された磁気ディスクによる配列表					
出願後に提出した書面による配列表が出願時における国際出願の開示の範囲を超える事項を含まない旨の陳述						
書の提出があった						
■ 書面による配列表に記載した配列と磁気ディスクによる配列表に記録した配列が同一である旨の陳述書の提出があった。						
4. 補正により、下記の魯類が削除された。 明細書 第	~-~?					
図面 図面の第	ページ/図					
5. この国際予備審査報告は、補充欄に示したように、補正が出願時における開示の範囲を越えてされたものと認められるので、その補正がされなかったものとして作成した。(PCT規則70.2(c) この補正を含む差し替え用紙は上記1.における判断の際に考慮しなければならず、本報告に添付する。)						
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国際出願番号 PCT/JP03/11004

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1					·-/C->- & >L/4/	それを裏付ける
٠.	見解	•				
	新規性(N)		請求の範囲 請求の範囲	1-4, 9-12		
	進歩性 (IS)			1-4, 9-12		有 無
	産業上の利用可能性(Ⅰ	A)	請求の範囲請求の範囲	1-4, 9-12		
2.	文献及び説明(PCT)	規則70. 7)				
文文版文文文文记	で献2. WO 90 で献3. EP 30 enkyusho) で献4. WO 94 で献5. EP 63	06433 A	(Columbia 1 (Pharm (Kabushiki 1 (Aller (Alcon Lab 1 (Senju 1 (Yoshi	University) macia AB) Kaisha Ueno S gan, Inc.) moratories, Inc. Pharmaceutica tomi Pharmaceu	.) il Co., Ltd itical Indu	
ħ	文献1には、プロ している。 文献6には、Rho⇒	スタグランジンと キナーゼ阻害剤を <i>線</i>	他の薬物を 緑内障治療	と組み合わせた系 剤に使用する旨	。 录内障治療済 記載されて	いる。
載の	文献1に記載され 2の薬物を組み合わ されるように、Rh 出願前に公知であ 一ゼ阻害剤を採用	10キナーゼ阻害剤が	が緑内障治	原則に公知であり療剤に使用し得)、また、文 ることも本[「献6に記



第 V.2. 欄の続き

文献2-5に記載されるように、イソプロピルウノプロストン、ラタノプロスト、トラボプロスト、ビマトプロストは緑内障治療剤に使用し得るプロスタグランジンとして本国際出願の出願前に公知である。

また、文献 6、文献 7 には、Rhoキナーゼ阻害剤として(R) ートランスーNー(P リジンー 4 ーイル) -4 ー(1 ーアミノエチル)シクロへキサンカルボキサミド、(R) ー (+) ーN ー(1 Hーピロロ [2, 3 ー 6] P リジンー 4 ーイル) -4 ー(1 ーアミノエチル)ベンズアミドが記載され、文献 8 には、1 には、1 には 1 として 1 ー(1 ー 1 として 1 ー(1 ー 1

プロスタグランジンやRhoキナーゼ阻害剤を緑内障治療剤に配合するに際して、これら公知の化合物から適宜選択して使用することは当該技術分野の専門家に自明の事項である。

る。また、請求の範囲に記載の発明とすることによって格別の効果が生じるものとは認められない。

請求の範囲3,4,11,12に記載の発明は進歩性を有しない。

請求の範囲1-4,9-12に記載の発明は産業上の利用可能性を有する。





PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference R-25	FOR FURTHER ACT		cation of Transmittal of International Examination Report (Form PCT/IPEA/416)		
International application No. PCT/JP2003/011004	International filing date 29 August 2003	· •	Priority date (day/month/year) 29 August 2002 (29.08.2002)		
International Patent Classification (IPC) or national classification and IPC A61K 31/5575, 45/06, 31/437, 31/4409, 31/4725, 31/5377, 31/553, A61P 27/06, 43/00					
Applicant SANTEN PHARMACEUTICAL CO., LTD.					
and is transmitted to the applicant ac	ccording to Article 36.		national Preliminary Examining Authority		
2. This REPORT consists of a total of	5 sheets, in	ncluding this cover s	sheet.		
	r this report and/or sheets	containing rectifica	on, claims and/or drawings which have been ations made before this Authority (see Rule		
These annexes consist of a to	otal ofsh	neets.			
3. This report contains indications rela	ting to the following item	ns:			
I Basis of the report					
II Priority					
III Non-establishment	Non-set-blish and of a fair with an alternation to the fact of the state of the sta				
IV Lack of unity of inv	Tack of with a financian				
V Reasoned statement citations and explan	V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement				
VI Certain documents	cited				
VII Certain defects in the international application					
VIII Certain observations on the international application					
Date of submission of the demand	~	Date of completion	of this report		
11 December 2003 (11.1	12.2003)	19	April 2004 (19.04.2004)		
Name and mailing address of the IPEA/JP		Authorized officer			
Facsimile No.		Telephone No.			

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International PCT/5r2003/011004

With re-		
		elements of the international application:*
⊠ t	the internat	ional application as originally filed
t	the descript	
I		filed with the demand
1	pages	, filed with the letter of
1	pages	, mod want the lower
	the claims:	, as originally filed
	pages	, as originally mod
	pages	, as amended (together with any statement under Article 19
	pages	, filed with the letter of
\Box	the drawir	igs:
		, as originary mod
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	pages	, filed with the letter of
Г٦.	he ceauenc	e listing part of the description:
Ш"	nages	, as originally filed
	pages	, filed with the delimination
	pages	, filed with the letter of
	nternationa se elements the lang	the language, all the elements marked above were available or furnished to this Authority in the language in which application was filed, unless otherwise indicated under this item. which is: uage of a translation furnished for the purposes of international search (under Rule 23.1(b)). uage of publication of the international application (under Rule 48.3(b)). uage of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/
	or 55 3)	
. Wit	or 55.3) th regard liminary ex	to any nucleotide and/or amino acid sequence disclosed in the international application, the international samination was carried out on the basis of the sequence listing: ed in the international application in written form.
. Wit	or 55.3) th regard liminary ex contain filed to	to any nucleotide and/or amino acid sequence disclosed in the international application, the international amination was carried out on the basis of the sequence listing: ed in the international application in written form. gether with the international application in computer readable form.
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3. Wit prel	or 55.3) th regard liminary ex contain filed to furnish furnish The st interna The st	to any nucleotide and/or amino acid sequence disclosed in the international application, the international amination was carried out on the basis of the sequence listing: ed in the international application in written form. gether with the international application in computer readable form. ed subsequently to this Authority in written form. ed subsequently to this Authority in computer readable form. atement that the subsequently furnished written sequence listing does not go beyond the disclosure in the tional application as filed has been furnished. atement that the information recorded in computer readable form is identical to the written sequence listing has armished. mendments have resulted in the cancellation of: the description, pages
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INTERNATIONAL PRELIMINA

XAMINATION REPORT

7	1:	NIA
International	application	110.

PO

P03/11004

Non-establis	hment of opinion with regard to novelty, inventive step and indust	rial applicability
The questions andustrially ap	s whether the claimed invention appears to be novel, to involve an oplicable have not been examined in respect of:	n inventive step (to be non obvious), or to be
the en	ntire international application.	
Claim:	is Nos5-8	·
ecause:		
the sa	aid international application, or the said claims Nos. to the following subject matter which does not require an international	5-8 al preliminary examination (specify):
The sub	bject matters of claims 5-8 encompasse to a method for treich does not require an international preliminary examination uthority in accordance with PCT Article 34 (4)(a)(i) and F	eatment of the human body by surgery or on by the International Preliminary
	•	
		-
□ the	description, claims or drawings (indicate particular elements below) of	or said claims Nos.
☐ are	a so unclear that no meaningful opinion could be formed (specify):	
	·	
		are so inadequately supported
th	ne claims, or said claims Nos. y the description that no meaningful opinion could be formed.	are so manequatory supported
	no international search report has been established for said claims Nos.	5-8
2. A meanir	ngful international preliminary examination cannot be carried out du e listing to comply with the standard provided for in Annex C of the Ac	e to the failure of the nucleotide and/or amino a dministrative Instructions:
sequence	the written form has not been furnished or does not comply with the sta	andard.
	the computer readable form has not been furnished or does not comply	
LJ '	are computer readable form has not been furnished or does not be-4-3	

International application No.			
PO	P03/11004		

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement				
1. Statement				
Novelty (N)	Claims	1-4, 9-12	YES	
	Claims		NO	
Inventive step (IS)	Claims		YES	
inventive step (15)	Claims	1-4, 9-12	NO	
Industrial applicability (IA)	Claims	1-4, 9-12	YES	
manufacture approaching (= 5)	Claims		NO	
	Claims			

2. Citations and explanations

The following documents are cited in the ISR:

Document 1: EP, 286903, A1 (Columbia University)

Document 2: WO, 90-02553, A1 (Pharmacia AB)

Document 3: EP, 308135, A2 (K.K. Ueno Seiyaku Oyo Kenkyusho)

Document 4: WO, 94-06433, A1 (Allergan, Inc.)

Document 5: EP, 639563, A2 (Alcon Laboratories, Inc.)

Document 6: WO, 00-09162, À1 (Senju Pharmaceutical Co., Ltd.)

Document 7: WO, 98-06433, A1 (Yoshitomi Pharmaceutical Industries, Ltd.)

Document 8: WO, 97-23222, A1 (Alcon Laboratories, Inc.)

Document 1 describes a remedy for glaucoma composed of prostaglandins and other drugs. Document 6 describes that a Rho kinase inhibitor is used in a remedy for glaucoma.

As described in document 1, it is publicly known that prostaglandins are combined with other drugs to make the pharmaceutical ingredients of a remedy for glaucoma, prior to the filing of the present international application, and as described in document 6, it is also publicly known that Rho kinase inhibitors can be used as remedies for glaucoma, prior to the filing of the present international application. Accordingly, it is considered to be obvious for a person skilled in the art that Rho kinase inhibitors are adopted as the drugs combined with prostaglandins.

With regard to the examinations described in the specification, the absolute quantities of pharmaceutical ingredients administered in a group of cases of the administration of Rho kinase inhibitors only and a group of cases of the administration of prostaglandins only are smaller than those in a group of cases of the administration of combinations of both, and so from the examination results it cannot be confirmed what extent of effect the combinations of Rho kinase inhibitors and prostaglandins have in comparison with only Rho kinase inhibitors or prostaglandins. Accordingly, it is not considered that the subject matters of the claims have a particular effect.

The subject matters of claims 1, 2, 9 and 10 do not appear to involve an inventive step.

XAMINATION REPORT

International application No. 03/11004

Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: V.2

As described in documents 2-5, unoprostone isopropyl, latanoprost, travoprost, and bimatoprost as prostaglandins that can be used as a remedy for glaucoma were publicly known prior to the filing of the present international application.

Documents 6 and 7 describe (R)-trans-N-(pyridine-4-yl)-4-(1-aminoethyl)cyclohexanecarboxamide and (R)-(+)-N-(1H-pyrrolo-[2,3-b]pyridine-4-yl)-4-(1-aminoethyl)benzamide as Rho kinase inhibitors, and document 8 describes 1-(5-isoquinolinesulfonyl)homopiperazine and 1-(5-isoquinolinesulfonyl)-2methylpiperazine as Rho kinase inhibitors.

În incorporating prostaglandins or Rho kinase inhibitors in remedies for glaucoma, it is considered to be obvious for a person skilled in the art that compounds are chosen and used as required from among those publicly known ones.

It is not considered that the subject matters of the claims have a particular effect. The subject matters of claims 3, 4, 11 and 12 do not appear to involve an inventive step. The subject matters of claims 1-4 and 9-12 appear to be industrially applicable.